

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JASON DENNIS KEGLEY,)	
Plaintiff,)	
)	Civil Action No. 7:22-cv-00427
v.)	
)	By: Elizabeth K. Dillon
LISA FERGUSON, <i>et al.</i> ,)	United States District Judge
Defendants.)	

ORDER

Plaintiff Jason Dennis Kegley, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. By order entered March 13, 2023, the court dismissed the case without prejudice after Kegley failed to file any response to defendants' motion to dismiss. On April 7, 2023, the court received from Kegley a motion asking the court to reconsider its dismissal. In it, he explains that he was trying to obtain counsel to represent him and that he was trying to do legal research to support his case, but was unable to complete it. Given this background and the speed with which he sought reconsideration, it is hereby ORDERED that Kegley's motion to reopen (Dkt. No. 43) is GRANTED. He is advised, however, that if he needs additional time to prepare a response or other submission, he should file a motion for extension of time, rather than simply allowing the deadline to expire.

The Clerk is DIRECTED to reopen this case on the active docket of the court and to alter the docket to reflect that defendants' motion to dismiss (Dkt. No. 37) remains pending. It is further ORDERED that Kegley shall file his response to the motion to dismiss not later than May 19, 2023.

Kegley's motion also contains a request for counsel. For the reasons set forth in the court's prior order, however, (*see* Dkt. No. 22), his latest motion is also DENIED WITHOUT

PREJUDICE. In short, this case does not currently present “exceptional circumstances” required for the court to request *pro bono* counsel in a civil case. See *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984), *abrogated on other grounds by* *Mallard v. U.S. Dist. Ct. for S. Dist. of Iowa*, 290 U.S. 296, 309 (1989). In the event that the case is set for trial, the court will consider a renewed request for counsel at that time.

The Clerk is DIRECTED to send a copy of this order to the parties.

Entered: April 20, 2023.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge